

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA

v.

DECISION AND ORDER
12-CR-174-S

ADEL ABDULLAH,

Defendant.

A Preliminary Order was issued on January 5, 2016, in which the defendant, ADEL ABDULLAH, forfeited all his right, title and interest in the following property pursuant to pursuant to Title 21, United States Code, Section 853(a)(1), and 853(a)(2):

CURRENCY:

- a. \$3,208.00 United States currency seized from 1221 McKinley Parkway, Lackawanna, New York, on or about May 15, 2012; and
- b. \$19,625.00 United States currency seized from 1799 Genesee Street, Buffalo, New York, on or about May 15, 2012.

MONETARY JUDGMENT:

An amount as determined by the Court at time of sentencing not to exceed Nine Hundred, Thirty Four thousand dollars (\$934,000.00), which would be evidenced and secured by an entry of a money judgment entered against the defendant wherever situated; and deemed to represent the gross proceeds derived from defendant's unlawful conduct for which he is adjudged guilty.

At the time of sentencing on August 1, 2016, the parties indicated that they had not reached an agreement as to the appropriate amount for monetary judgment. Because no pre-sentencing submissions had been made on this subject, this Court allowed the Government 30 days to file a forfeiture submission and 10 days for Defendant to respond.

(Docket No. 219.) The Government then sought an extension of time to file its submission because the parties were attempting to reach a stipulated settlement. (Docket Nos. 226, 237.) On December 12, 2016, the Government filed a Brief in Support of Order of Forfeiture, stating that the parties failed to reach a stipulated settlement because defense counsel had been unable to reach his client, who was incarcerated at that time. The Government stated that it now sought a monetary judgment of \$290,570.00, a significant reduction from the maximum judgment allowed by the preliminary order of forfeiture. (Docket No. 244.) On September 22, 2017, this Court noted that Defendant had failed to oppose or otherwise respond to the motion, and ordered Defendant to respond no later than October 31, 2017 or risk forfeiture of the entire amount. (Docket No. 245.) Now, more than two months after that date, and more than two months since Defendant was released from custody, Defendant has still filed no response.

The Government has moved this Court again for a Final Order of Forfeiture with respect to the currency listed above, and with respect to the monetary judgment in the original amount of \$934,000.00. (Docket No. 246.) In the Government's previous filing, it stated that it reached a revised calculation of based on invoices for delivery of synthetic marijuana found in the safe at the Defendant's store. (Docket No. 244.) The Government has not provided additional evidence supporting the larger amount of \$934,000.00. Having reviewed the Government's filings, as well as the summary of invoices contained therein, this Court finds that the Government has failed to provide sufficient evidence to support a monetary judgment of \$934,000.00. This Court further finds that the revised calculation of \$290,570.00 represents a fair assessment as to the proceeds generated from Defendant's illegal activities. Accordingly, the Motion for a Final Order of Forfeiture

is granted as to the seized United States currency in the amounts of \$3,208.00 and \$19,625.00, and to a monetary judgment in the amount of \$290,570.00, and denied as to the monetary judgment in the amount of \$934,000.00.

IT HEREBY IS ORDERED, that the Government's Motion for Entry of a Final Order of Forfeiture (Docket No. 246) is GRANTED in part and DENIED in part, consistent with this Order.

FURTHER, that the Government shall submit a proposed final order of forfeiture consistent with this decision within 10 days of its filing date.

SO ORDERED.

DATED: January 3, 2018
Buffalo, New York.

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Court Judge